

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

HARRY PAUL LOZEAU,

Plaintiff,

vs.

MR. MCTIGHE, MS. POWELL, MR.
MADRID, MS. ALSTEAD, MR.
MONTGOMERY, HARLON
TROMBLEY, MR. BERKEBILE, MR.
DELELLA, MS. NELSON, MS.
VINES, MR. JOHNSON, MR.
MORHARD, and MR. WIRSCHING,

Defendants.

CV 19-88-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on July 6, 2021. (Doc. 40). Judge Johnston recommended that Lozeau's complaint should be DISMISSED with prejudice for failure to prosecute and/or comply with the Court's orders, that the Clerk of Court should be directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure, and that the Clerk of Court should be directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Judge Johnston’s Findings and Recommendations (Doc. 40) are **ADOPTED IN FULL**.

DATED this 21st day of July, 2021.



Brian Morris, Chief District Judge
United States District Court